

EXHIBIT 3

To

Plaintiffs' Aug. 20, 2007 Motion

In re Ski Train, MDL 1428

<http://webmail.aol.com/29047/aim/en-us/Mail/PrintMessage.aspx>

From: Jennifer_Rosenberg@nysd.uscourts.gov

To: PRooney@ReedSmith.com; faganlawintl@aim.com; aliederm@morrisonmahoney.com;
ASoni@morrisonmahoney.com; AvonWaldow@ReedSmith.com; bbishop@kirkland.com;
CMOERDLER@stroock.com; cvalletta@mwe.com; egordon.haesloop@bmbmlaw.com;
Eileen.McCabe@mendes.com; Hantmanrj@aol.com; jameslowy@floridalawgroup.com; JRice@NRMLAW.com;
rgilmore@kirkland.com; robert.littleton@littletonjoyce.com; rswift@koh Swift.com; rweiner@mwe.com;
rowen@fulbright.com; gregory.t.kenney@exxonmobil.com; stephen@harnik.com

Subject: In re Ski Train, MDL 1428

Date: Mon, 25 Jun 2007 9:28 am

Regarding Mr. Fagan's letter to the Court dated 6/21/07, plaintiffs' motion for sanctions related to the spoliation of evidence, Docket Nos. 126, 127 in case No. 03 Civ. 8960 and Docket Nos. 30, 31 In 07 Civ. 935 were not mooted by the Court's June 19 Opinion & Order. (Just as defendants' motions for sanctions were not mooted by that same Opinion & Order).

Thank you.

Jennifer S. Rosenberg
Law Clerk to the Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, NY 10007
Office: 212.805.0474